AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claims 1-38 (Canceled).

Claim 39 (Currently Amended): A viral vector comprising an expression unit containing one or more viral genes, said expression unit being functional in a complementation cell and nonfunctional in a host cell, and said expression unit comprising one or more heterologous regulator sequences, wherein said viral vector is obtained from a virus selected from the group of viruses consisting of herpesvirus, cytomegalovirus, AAV (adeno-associated virus), and poxvirus.

Claim 40 (Previously Presented): The viral vector according to claim 39, wherein said expression unit comprises one or more regulatory sequences which activate the expression of said viral gene in the presence of an inducer and/or to inhibit the expression of said viral gene in the presence of a repressor.

Claim 41 (Previously Presented): The viral vector of claim 41, wherein said regulator sequence is placed in the promoter of said unit.

Claim 42 (Previously Presented): The viral vector of claim 42, wherein said regulator sequence is placed upstream of the TATA box.

Claim 43 (Previously Presented): The viral vector of claim 42, wherein said regulator sequence is placed upstream of the TATA box.

Claim 44 (Currently Amended): The viral vector of claim 39, wherein said expression unit comprises one or more regulatory sequences selected from the group consisting of TAR (transactivation responsive region), RRE (REV responsive element), GRE glucocorticoid responsive element, PRE (progesterone responsive element), ERE (estrogen responsive element) and Gal4 UAS (Gal 4 upstream activating sequence) sequences and the regulatory sequences of the metallothionein gene and of the bacterial ~~tryptophans~~ tryptophan, lactose and tetracycline operons.

Claim 45 (Currently Amended): The viral vector of claim 44, wherein said expression unit comprises one or more regulatory sequences from the tetracycline operon, placed upstream of the TATA box of ~~said~~ the promoter of said expression unit, to give a promoter which is activated by an inducer or the tetracycline transactivator (tTA) type and repressible by tetracycline.

Claim 46 (Currently Amended): The viral vector of claim 44, wherein said expression unit comprises one or more regulatory sequences from the tetracycline operon, placed downstream of the TATA box of ~~said~~ the promoter of said expression unit, to give a promoter which is repressible by the tetracycline repressor (TetR).

Claim 47 (Canceled).

Claim 48 (Previously Presented): The viral vector of claim 47, wherein said viral vector is defective for replication.

Claim 49 (Previously Presented): The viral vector of claim 39, wherein said viral vector comprises an exogenous nucleotide sequence placed under the control of the elements needed for its expression in the host cell.

Claim 50 (Currently Amended): The viral vector of claim ~~39~~ 49, wherein the exogenous nucleotide sequence is selected from the genes coding for a cytokine, a cell or nuclear receptor, a ligand, a coagulation factor, the CFTR protein, insulin dystrophin, a growth hormone, an enzyme, an enzyme inhibitor, a polypeptide having an antitumor effect, a polypeptide capable of inhibiting a bacterial, parasitic or viral infection, an antibody, a toxin, an immunotoxin and a marker.

Claim 51 (Previously Presented): An infectious viral particle comprising a viral vector according to claim 39.

Claim 52 (Previously Presented): A eukaryotic host cell comprising a viral vector according to claim 39.

Claim 53 (Previously Presented): A eukaryotic host cell comprising an infectious viral particle according to claim 51.

Claim 54 (Previously Presented): A complementation cell which complements an viral vector function, comprising an inducer and/or a repressor.

Claim 55 (Previously Presented): The complementation cell of claim 54 further comprising a DNA fragment coding for an inducer and/or a repressor.

Claim 56 (Currently Amended): The complementation cell of claim 54 or 55, ~~derived from cell line~~ which is a 293 cell comprising an inducer and/or a repressor or cDNA fragment coding for an inducer and/or a repressor.

Claim 57 (Previously Presented): The complementation cell of claim 54, wherein the titer of viral particles produced by said complementation cell is greater than 5×10^8 pfu (plaque forming units)/ml.

Claim 58 (Previously Presented): A method for preparing a infectious viral particle comprising a viral vector according to claim 39, wherein said method comprises:

(i) introducing a viral vector according to claim 39 into a complementation cell which complements *in trans* said viral vector, to obtain a transfected complementation cell;

(ii) culturing said transfected complementation cell under suitable conditions to permit the expression of the viral genes and the production of said infectious particle; and

(iii) recovering said infectious viral particle in the cell culture.

Claim 59 (Currently Amended): A composition comprising the viral vector of claim 39, ~~an infectious viral particle comprising a viral vector according to claim 39, a eukaryotic host cell comprising a viral vector according to claim 39, or a complementation cell which complements a viral vector function, comprising an inducer and/or a repressor,~~ in combination with a suitable carrier.

Claim 60 (Withdrawn): A method of therapeutically or prophylactically treating an animal in need of gene therapy, wherein said method comprises administering to an animal in need thereof a therapeutically or prophylactically effective amount of the viral vector of claim 39, an infectious viral particle comprising a viral vector according to claim 39, a eukaryotic host cell comprising a viral vector according to claim 39, a complementation cell which complements an viral vector function, comprising an inducer and/or a repressor, or a composition comprising any of the above.

Claim 61 (Withdrawn): The method of therapeutically or prophylactically treating an animal in need of gene therapy of claim 60, wherein said method further comprises administering to said animal a repressor.

Claim 62 (New): A composition comprising an infectious viral particle comprising a viral vector according to claim 39, in combination with a suitable carrier.

Claim 63 (New): A composition comprising a eukaryotic host cell comprising a viral vector according to claim 39, in combination with a suitable carrier.

Claim 64 (New): A composition comprising a complementation cell which complements a viral vector function, comprising an inducer and/or a repressor, in combination with a suitable carrier.